

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE BIOLASE, INC. SECURITIES
LITIGATION

CASE NO. SACV 13-01300-JLS-
(FFMx)

JUDGMENT

WHEREAS the Court previously granted final approval of the settlement set forth in the Stipulation (*see* Final Approval Order, Doc. 98; Stip., Doc. 74-7), and WHEREAS due and adequate notice has been given to the Class, and WHEREAS the Court reviewed and considered the Stipulation, all papers filed and proceedings held in connection with the Settlement, and the record in the Litigation, and with good cause appearing therefor, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

1. This Judgment incorporates by reference the definitions in the Stipulation, and all terms used herein shall have the same meanings as set forth in the Stipulation, unless otherwise set forth herein.

2. The Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including, but not limited to, Lead Plaintiff, all Settlement Class Members, and Defendants.

1 3. The Settlement has created a fund of \$1,750,000 in cash, plus interest
2 or income earned thereon, that is already on deposit. The parties, Lead Counsel,
3 and the Claims Administrator are directed to administer the Stipulation in
4 accordance with its terms and provisions. The Escrow Agent appointed pursuant to
5 the Stipulation shall maintain the Settlement Fund in accordance with the
6 requirements set forth in the Stipulation.

7 4. This action, including all individual claims and Settlement Class
8 claims presented thereby, is dismissed with prejudice. The Parties are to bear their
9 own fees and costs, except as otherwise provided in the Stipulation.

10 5. The Releases set forth in the Settlement are incorporated herein by
11 reference and are effective as of the date of this Judgment.

12 6. The terms of the Stipulation and of this Judgment shall be forever
13 binding on Defendants, Lead Plaintiff, and all other Settlement Class Members
14 (regardless of whether or not any individual Settlement Class Member submits a
15 Proof of Claim or seeks or obtains a distribution from the Net Settlement Fund), as
16 well as their respective heirs, executors, administrators, predecessors, successors,
17 and assigns.

18 7. Without affecting the finality of this Judgment in any way, the Court
19 hereby retains exclusive jurisdiction over the parties and Members of the Settlement
20 Class for all matters relating to the: (a) implementation of the Settlement and any
21 award or distribution of the Settlement Fund, including interest or income earned
22 thereon; (b) disposition of the Settlement Fund; (c) determination of applications
23 for attorneys' fees, costs, interest and reimbursement of expenses in the Litigation;
24 and (d) construction, interpretation, enforcement, effectuation, and administration
25 of the Stipulation.

26 8. Plaintiffs' Counsel are hereby awarded 25% of the Gross Settlement
27 Fund after the payment of approved expenses, or \$428,749.02, in attorneys' fees
28 and \$35,003.92 in reimbursement of expenses, which shall be paid to Plaintiffs'

1 Counsel from the Gross Settlement Fund with interest at the same rate that the
2 Gross Settlement Fund earns. The awarded attorneys' fees and expenses, and
3 interest or income earned thereon, shall be paid to Lead Counsel from the Gross
4 Settlement subject to the terms, conditions, and obligations of the Stipulation,
5 which terms, conditions, and obligations are incorporated herein.

6 9. The approved Plan of Allocation or award of attorneys' fees and
7 expenses in no way shall disturb or affect this Final Judgment and Order of
8 Dismissal and shall be considered separate from this Final Judgment and Order of
9 Dismissal.

10 10. Without further approval from the Court, the parties are authorized to
11 agree to and adopt such amendments, modifications and expansions of the
12 Stipulation and its implementing documents, including all exhibits to the
13 Stipulation, as (a) shall be consistent in all material respects with this Judgment, or
14 (b) do not materially limit the rights of Settlement Class Members. Without further
15 order of the Court, the parties may agree to reasonable extensions of time to carry
16 out any of the provisions of the Stipulation.

17 11. There being no just reason to delay, the Court hereby directs the Clerk
18 of the Court to enter this Final Judgment and Order of Dismissal forthwith.

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20 IT IS SO ORDERED:

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23 Dated: October 30, 2015

24 THE HONORABLE JOSEPHINE L. STATON
25 UNITED STATES DISTRICT COURT JUDGE
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